

## **DETAILED ACTION**

### ***Response to Amendment***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114.

The Terminal Disclaimer filed 11 January 2010 has been entered. The Information Disclosure Statements (IDS) filed 11 February 2010 has been entered. Applicant's amendment of the claims filed 11 February 2010 has been entered.

### ***Election/Restrictions***

Independent claims 89,101 and 110 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 97-100, drawn to the process of making the allowable product, and claims 107-109, drawn to the process of using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, the restriction requirement between Groups I-IV as set forth in the Requirement for Restriction Election mailed 19 May 2005 and 26 February 2008 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a

Art Unit: 1646

continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Claims 1-88 and 90 are cancelled. Claim 110 has been added. Claims 89 and 91-110 are pending.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

Applicant's response and the claim amendment submitted on 11 February 2010 and the filing of a Terminal Disclaimer on 11 January 2010 overcame all remaining grounds of rejections and objections.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiaozhen Xie, Ph.D whose telephone number is 571-272-5569. The examiner can normally be reached on M-F, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary B. Nickol, Ph.D. can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Art Unit: 1646

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Xiaozhen Xie, Ph.D.  
February 12, 2010

/Elizabeth C. Kemmerer/  
Elizabeth C. Kemmerer, Ph.D.  
Primary Examiner, Art Unit 1646